

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

Xoran Technologies, LLC	)	
	)	
Plaintiff,	)	Civil No.:
v.	)	
	)	<b>JURY TRIAL DEMANDED</b>
Planmeca USA, Inc.	)	
	)	
Defendant.	)	
	)	

**COMPLAINT**

Plaintiff, Xoran Technologies, LLC (“Xoran”), for its Complaint for patent infringement against Planmeca USA, Inc. (“Planmeca” or “Defendant”), alleges the following:

**NATURE OF THE SUIT**

1. This is an action for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code, to prevent and enjoin Defendant from infringing and profiting from, in an unlawful and unauthorized manner, U.S. Patent No. 7,551,711 (the “’711 patent”), (attached hereto as Exhibit A), pursuant to 35 U.S.C. § 271. Xoran also seeks to recover damages, attorneys’ fees, and costs.

**PARTIES**

2. Xoran Technologies LLC is a Michigan limited liability company having its principal place of business at 5210 South State Road, Ann Arbor, MI 48108.

3. Xoran is a pioneer in the field of Cone Beam Computed Tomography (“CBCT”) scanning, having invested millions of dollars in advancing the state of low-dose radiation, cone-based CT technologies. Xoran currently has several physical cone beam CT scanners in the market; the MiniCAT, and MiniCAT IQ, the xCAT, and the VetCAT.

4. Defendant Planmeca is a Delaware corporation headquartered at 100 N. Gary Ave., Roselle, Illinois. Planmeca is a competitor of Xoran.

5. Planmeca currently sells a line of CT scanners including a camera to obtain external images of a patient under the tradename Planmeca ProMax 3D. Planmeca, through its manufacture and sale of Planmeca Pro Max 3D scanners, is infringing Xoran's patent-in-suit.

### **JURISDICTION AND VENUE**

6. Xoran's claims for patent infringement against Planmeca arise under the patent laws of the United States, including 35 U.S.C. §§ 271 and 281. Consequently, this Court has original subject matter jurisdiction over this suit under 28 U.S.C. §§ 1331 and 1338.

7. Planmeca is subject to jurisdiction of this Court because, among other things, Planmeca is headquartered in Roselle, Illinois.

8. Venue is proper in this judicial district under 28 U.S.C. § 1400(b).

### **PATENT INFRINGEMENT**

#### **FIRST CLAIM FOR INFRINGEMENT**

(Infringement of U.S. Patent No. 7,551,711)

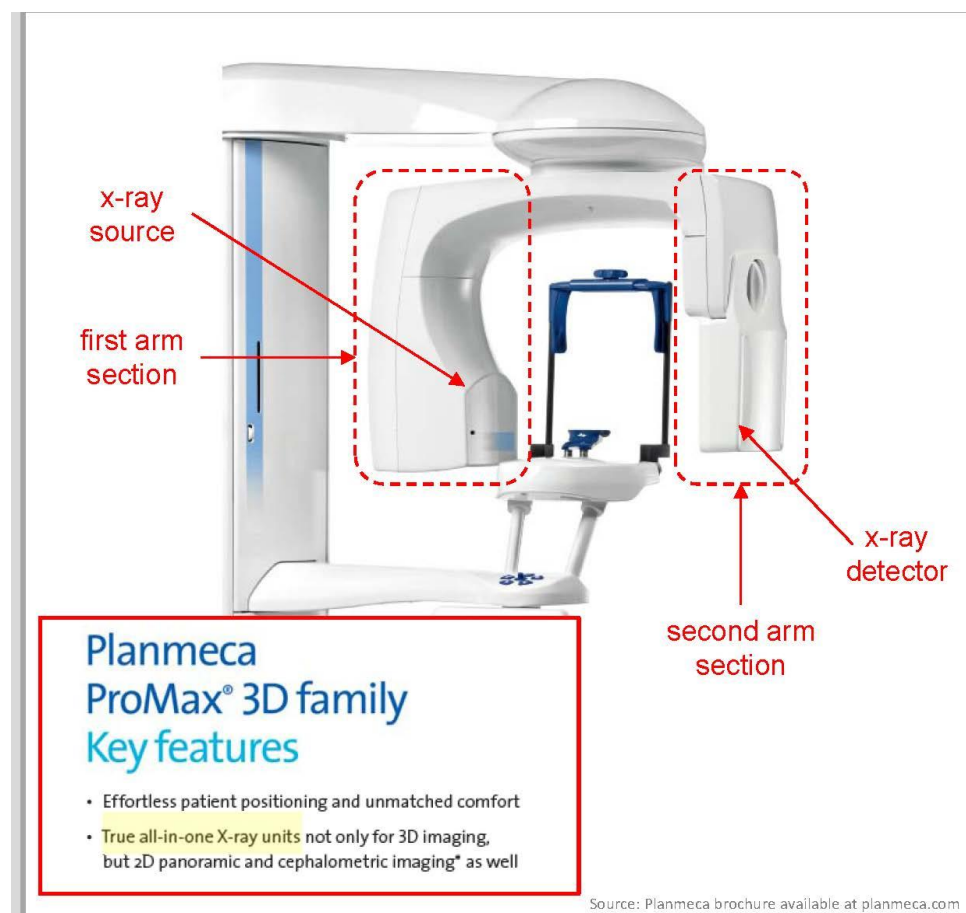
9. Xoran incorporates by reference Paragraphs 1 - 8 of this Complaint as if set forth below.

10. Xoran owns all right, title, and interest in, and has standing to sue for infringement of the '711 patent, entitled "Stand-Up CT Scanner," which was duly issued by the United States Patent Office on June 23, 2009.

11. Planmeca has infringed and is infringing the '711 patent at least through its manufacture, importation, sale, and offers for sale of ProMax 3D scanners.

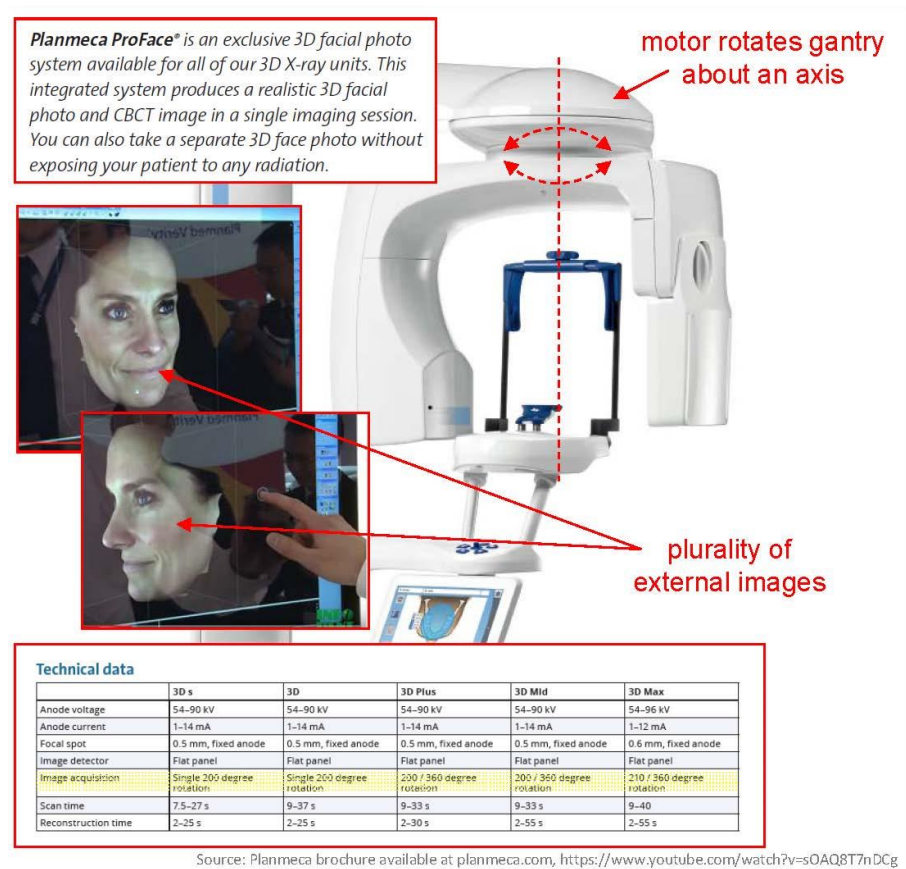
12. Planmeca has infringed and continues to infringe the '711 patent, literally and under the doctrine of equivalents, including, but not limited to, claims 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11.

13. By way of example, claim 1 is directed to a CT scanner comprising a gantry including a first arm section and a second arm section with an x-ray source mounted to the first arm section and an x-ray detector mounted to the second arm section. Planmeca's Pro Max 3D likewise has a gantry including a first arm section and a second arm section with an x-ray source mounted to the first arm section and an x-ray detector mounted to the second arm section:



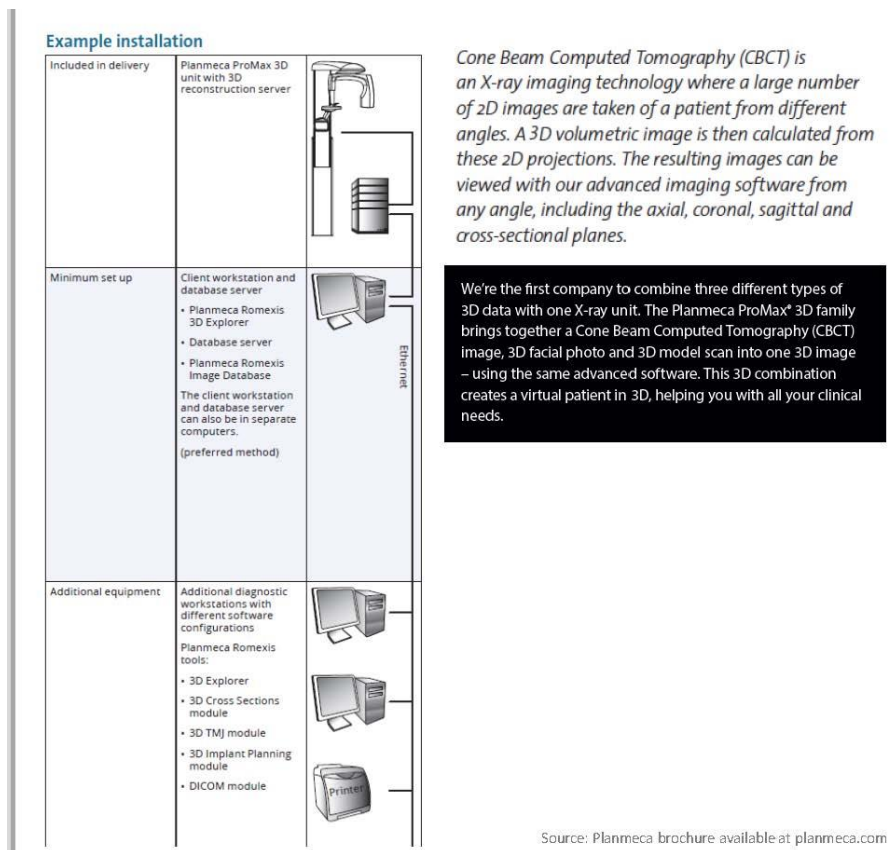
14. Claim 1 also includes a camera mounted to one of the first arm section and the second arm section and a motor that rotates the gantry about an axis of rotation wherein the x-ray

detector takes a plurality of x-ray images and the camera takes a plurality of external images as the gantry rotates. Promeca's ProMax 3D likewise has a camera mounted to one of the first arm section and the second arm section and a motor that rotates the gantry about an axis of rotation wherein the x-ray detector takes a plurality of x-ray images and the camera takes a plurality of external images as the gantry rotates:



15. Claim 1 also includes a computer that generates a three dimensional CT image from the plurality of x-ray images and a three dimensional external image from the plurality of external images and stores the three dimensional CT image and the three dimensional external image. Planmeca's ProMax 3D likewise includes a computer that generates a three dimensional CT image from the plurality of x-ray images and a three dimensional external image from the

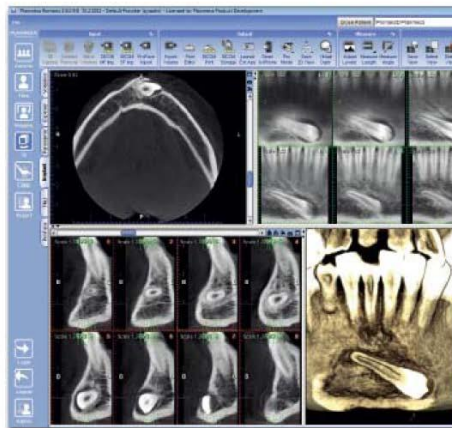
plurality of external images and stores the three dimensional CT image and the three dimensional external image:



16. Claim 1 also includes a display that displays the three dimensional CT image, wherein the three dimensional CT image changes to the three dimensional external image as the three dimensional CT image is zoomed outwardly. Promeca's ProMax 3D likewise includes a display that displays the three dimensional CT image, wherein the three dimensional CT image changes to the three dimensional external image as the three dimensional CT image is zoomed outwardly:

## Reinventing 3D imaging

*Planmeca Romexis® software offers specially designed tools for implantologists, endodontists, periodontists, orthodontists, maxillofacial surgeons, and radiologists. You can also view your images wherever you are using our mobile apps, and enjoy unmatched compatibility with other systems.*



We're the first company to combine three different types of 3D data with one X-ray unit. The Planmeca ProMax® 3D family brings together a Cone Beam Computed Tomography (CBCT) image, 3D facial photo and 3D model scan into one 3D image – using the same advanced software. This 3D combination creates a virtual patient in 3D, helping you with all your clinical needs.

### Example installation

Included in delivery	Planmeca ProMax 3D unit with 3D reconstruction server	
Minimum set up	Client workstation and database server • Planmeca Romexis 3D Explorer • Database server • Planmeca Romexis Image Database The client workstation and database server can also be in separate computers. (preferred method)	

Source: Planmeca brochure available at planmeca.com

17. Planmeca has been aware of Xoran's '711 patent since at least October of 2015, when Xoran sent Planmed Oy (Planmeca's Finnish parent) a claim chart matching the claims of the '711 patent against the Planmeca ProMax 3D scanner.

18. Planmeca has continued its infringing activities, despite knowing that there was at least an objectively high likelihood that its actions constituted infringement of the '711 patent. This case is, therefore, beyond the norm and, hence, subject to discretionary enhancement of damages under 35 U.S.C. § 284 and attorneys' fees and costs under 35 U.S.C. § 285.

19. Xoran has been and continues to be damaged by Planmeca's actions.

20. To the extent required by law, Xoran has complied with all applicable provisions of 35 U.S.C. § 287.

**PRAYER FOR RELIEF**

WHEREFORE, Xoran prays for the following relief:

- A. A judgment finding that Planmeca has infringed the ‘711 patent under 35 U.S.C. § 271(a), (b) and (c);
- B. A judgment finding that Planmeca’s infringement was willful and intentional, and an award of treble damages;
- C. A judgment that the ‘711 patent is valid and enforceable;
- D. A permanent injunction enjoining Planmeca, its agents, officers, assigns and others acting in concert with them, from infringing the ‘711 patent;
- E. An award of damages adequate to compensate Xoran for the infringement of the ‘711 patent that has occurred;
- F. An award of pre-judgment interest and post-judgment interest on the damages awarded;
- G. A judgment that Xoran is entitled to discretionary enhancement of its damages and other relief provided by 35 U.S.C. § 284;
- H. A determination that this is an exceptional case and an award of Xoran’s attorneys’ fees pursuant to 35 U.S.C. § 285 and any other applicable statute or law, and an award to Xoran of its costs; and,
- I. Such other further relief as the Court deems reasonable.

**JURY DEMAND**

Plaintiff demands a trial by jury on all issues triable to a jury.

Dated: October 3, 2017

Respectfully submitted,

/s/ Paul K. Vickrey

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